

Exhibit 13

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1 35674/S53972

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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5 PHILIP WONG, FREDERIC)
CHAUSSEY, and LESLIE MARIE)
6 SHEARN, individually, on)
behalf of all others)
7 similarly situated, and)
on behalf of the general)
8 public,)

)

9 Plaintiffs,)

)

10 vs.)No. 3:07-cv-2446 MMC

)

11 HSBC MORTGAGE CORPORATION)
(USA); HSBC BANK USA,)
12 N.A.; and DOES 1 through)
50, inclusive,)

13)

Defendants.)

14

15 30(b)(6) VIDEOTAPED DEPOSITION OF
JEANETTE JENNINGS

16

Taken December 19, 2007

17

Commencing at 9:08 a.m.

18

19

20

21 REPORTED BY: MELANIE L. HUMPHREY-SONNTAG, RDR, CRR, CSR
PARADIGM REPORTING & CAPTIONING INC.

22

1400 RAND TOWER

527 MARQUETTE AVENUE SOUTH

23

MINNEAPOLIS, MINNESOTA 55402-1331

612-339-0545 * 800-545-9668 * Fax 612-337-5575

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1 30(b)(6) videotaped deposition of
2 JEANETTE JENNINGS taken on December 19, 2007,
3 commencing at 9:08 a.m., at the law firm of Littler
4 Mendelson, P.C., Suite 2900, 200 North LaSalle
5 Street, before Melanie L. Humphrey-Sonntag,
6 Registered Diplomate Reporter, Certified Realtime
7 Reporter, and Notary Public of and for the State of
8 Illinois.

9

10

APPEARANCES

11

12 On Behalf of the Plaintiffs:

13 Mr. Bryan J. Schwartz
Nichols, Kaster & Anderson, LLP
14 Suite 720
One Embarcadero Center
15 San Francisco, California 94111
(415) 277-7235

16

17 On Behalf of the Defendants:

18 Ms. Michelle R. Barrett
Littler Mendelson, P.C.
19 20th Floor
650 California Street
20 San Francisco, California 94108-2693
(415) 433-1940

21

Also Present: Mr. Bruce Witty, Videographer

22

23

24 NOTE: The original transcript will be filed
with Mr. Schwartz, pursuant to the applicable Rules
25 of Civil Procedure.

00142

1 Q. It's never been distributed in any way to
2 the loan officers that you know of?

3 A. No, because we tell people that it's --
4 where it's available and where they can look. So it
5 isn't anything that's necessary to hand out.

6 Q. Regardless of what the job description
7 says --

8 A. Excuse me.

9 Q. -- you don't know actually how much time
10 loan officers are spending outside of HSBC
11 facilities in their home offices; isn't that right?

12 A. No, I don't know -- I can't say exactly. I
13 just know that the majority of their time should be
14 spent outside, obtaining business.

15 Q. Well, you're saying "should be spent," and
16 I'm asking you in terms of actually what happens
17 with actual loan officers' work.

18 You don't know if any loan officer actually
19 spends a majority of his or her time outside of an
20 HSBC facility or a home office?

21 A. No. You have to understand there's
22 200-some-odd loan officers, so I -- I don't track
23 their daily comings and goings, no.

24 MR. SCHWARTZ: Can we go off the
25 record.

00113

1 Q. You don't --

2 A. But they always receive their -- their

3 biweekly draw.

4 Q. You don't have a -- a different minimum draw

5 for employees in New York or California or other

6 states; is that right?

7 A. No. The minimum is the minimum is the

8 minimum.

9 Q. And are you aware that loan officers are

10 required to reimburse the company for application

11 fees where a loan application fails?

12 A. That's a broad statement. They don't have

13 to pay it back if the loan is declined unless they

14 never collected the fee and we've incurred the

15 expenses, and that's actually in -- in the actual

16 incentive plan.

17 So, for example, if I've taken a loan

18 application but I did not collect the fee from the

19 customer and it's gone through the processing, at

20 the end of the processing that customer is then

21 declined but I still have not collected that fee

22 from the customer, I can -- I can get -- I can get

23 that deducted, yes.

24 If it's because it's a regular decline, no,

25 and I've done everything right, but that's under

00114

1 errors and omissions and, I think, exclusions, that,
2 if they fail to collect the necessary fees or if
3 it's through their own negligence, fraudulent --
4 whatever it might be -- then they could be -- have
5 those -- those fees deducted from commissions, yes.

6 Q. Do you know to what extent loan officers are
7 encouraged not to collect application fees by their
8 supervisors in order to close more deals?

9 A. They shouldn't be encouraged to do that at
10 all. I'm not familiar with that practice at all.
11 That would go against -- because we're incurring
12 expenses for the appraisals and what needs to be
13 done, so I would find that hard to believe that
14 they're encouraged to not collect the fees.

15 That doesn't make sense.

16 Q. Okay. Well, we have sworn testimony that
17 that's exactly what's happening, so --

18 A. Oh.

19 Q. -- and documentation of that happening, so
20 I'm wondering -- and so -- but it's your testimony
21 that you're not aware of that happening?

22 A. Absolutely not. No.

23 Q. And do you have something -- a published
24 policy -- that is specifically contrary to that
25 practice of supervisors encouraging or requiring

00115

1 their loan officers not to collect application fees?

2 A. That would be a business policy. It would
3 be a policy that's directed by HR, so I couldn't
4 comment to that. If they've published anything,
5 I -- I don't know.

6 But the plan itself speaks to it, that, if
7 they don't collect the fees, they will be charged.

8 Q. Where is that? The plan that --

9 A. Probably under --

10 Q. -- in Exhibit 3?

11 A. And, again, if it is not in this one, it is
12 in the newest versions.

13 Could be under "Exclusions." It could be
14 under the -- it's under the new plans most
15 definitely, but I need to -- I need to look at that.

16 I don't see it in this particular plan.

17 Q. But you believe that it's in a new plan?

18 A. Absolutely.

19 Q. So is it your testimony that -- that all
20 loan officers nationwide earn \$23,660 or more every
21 year that they're employed?

22 A. Whatever the Federal minimum is, and I think
23 that -- it changed this year if -- it was 23.

24 Previously it was just 23,000.

25 I would say that that would be at least that

00128

1 Q. What evidence exists that supports the
2 notion that loan officers are receiving -- that it's
3 clearly reiterated to loan officers a number of
4 times that they're an outside sales force?

5 A. Through their management -- as far as
6 documentation, I don't have documentation. I can
7 only say from my own verbal conversations that I've
8 had with a few of them, that they've had in meetings
9 and through their training, that, with high-trust
10 selling, that they are to be entrepreneurs, they
11 should be out and about.

12 And, in following the high-trust selling
13 philosophies of what they need to do to build their
14 business, their management -- that -- that this is
15 common knowledge. It isn't anything that should be
16 a surprise to anyone.

17 Q. Do you have any evidence that establishes
18 that loan officers work -- spend more than
19 50 percent of their time working outside of HSBC
20 facilities at any time?

21 A. I wouldn't say any -- anything other than
22 their business plan, that they should be spending
23 more than 50 percent of the time outside of it.

24 Q. What --

25 A. Their business plans also speak to them

00129

1 making business calls, working out and about, and
2 working their business. They're a commissioned
3 sales force, so . . .

4 Q. Where does a business plan state that they
5 are to spend more than 50 percent of their time
6 outside of HSBC office facilities?

7 A. I didn't say that it would state it was to
8 spend 50 percent or more time. I said it would
9 indicate that they need to spend 50 percent or more
10 time --

11 Q. It would indicate --

12 A. -- that they should not be --

13 Q. How would it indicate that?

14 A. I think in -- if you read on the business
15 plan, in their business plans and what's expected of
16 them and through their training, that their time
17 should be spent in the field getting business and
18 meeting with clients.

19 For it to say "You are going to spend more
20 than 50 percent --" no, you're not going to find
21 that.

22 But, again, they are commissioned
23 salespeople. They're hired to sell and are hired as
24 salespeople. Anyone in the commissioned sales
25 field, in any commissioned sales field, know that

00130

1 they're not going to get their business by sitting

2 in an office. It's going to be outside sales.

3 Q. Okay. And what I'm asking you is, does the

4 company, HSBC -- that you're speaking for,

5 HSBC Bank -- possess any evidence that establishes

6 that -- that any loan officer spends more than

7 50 percent of his or her time outside of HSBC

8 facilities or the home office that they have?

9 A. I don't know --

10 MS. BARRETT: Objection; calls for a

11 legal analysis and conclusion.

12 A. (Continuing.) I don't know.

13 BY MR. SCHWARTZ:

14 Q. You're not aware of any such evidence?

15 A. I said I don't know. I'm not aware if

16 compensation has it -- I don't know if -- in part of

17 their testing. I don't know. I can only say what

18 we verbally have trained them, what we have verbally

19 indicated to them of what they needed to be doing to

20 be out and about getting business. If they're going

21 to be successful, it is not sitting in an office.

22 Q. Okay. You mentioned three types of ways

23 that -- that it was clearly reiterated to loan

24 officers that they're, quote, an outside sales

25 force. You mentioned first that you've participated

00131

1 in conversation where that was emphasized.

2 What conversations did you participate in

3 where that was emphasized to loan officers?

4 A. That might have been individual

5 conversations, if someone was struggling and

6 reiterating what the expectations of the role are,

7 listening in conversations with managers, at sales

8 management meetings that they may have had. They

9 have regular sales management meetings about what

10 they're doing to go out and get business.

11 And a lot of it is implied. It isn't just

12 stated that you're not going to be getting business

13 by sitting in the office. What are you doing to go

14 out and drum up business? Are you following your

15 high-trust selling training that you've received?

16 Are you using the tools? Are you meeting with

17 clients? Are you meeting with your centers of

18 influence to grow your business?

19 Q. Okay. I was asking more specifically, what

20 particular -- which particular people did you

21 participate in conversations with in which the

22 phrase "outside sales force" was emphasized to any

23 loan officer?

24 A. I don't want to say -- again, "outside

25 sales," I'm not going to limit it to just "outside

00132

1 sales." It's that they need to be out and about
2 getting business. They aren't supposed to be just
3 stuck in -- just remain in the branch. They
4 aren't -- that isn't their role.

5 Their role and their expectations -- that is
6 what is reiterated, not that you're supposed to be
7 out of the branch 50 percent the time. That's what
8 I said. We imply that. It isn't said, "You're
9 supposed to be an outside salesperson and you're
10 supposed to be out 50 percent of the time."

11 Q. Okay. So --

12 A. That isn't what I said.

13 Q. Okay. So you're not aware of any
14 conversation or training that -- that specifically
15 notifies loan officers that they are outside
16 salespeople who are supposed to be out of the
17 branches 50 percent of the time?

18 A. If you're asking the question does the
19 training say that, the training doesn't say, "You're
20 an outside salesperson supposed to be 50 percent of
21 the time." I've already indicated that.

22 If it's indicated that they are -- they are
23 outside salespeople just by virtue of the training
24 itself and the expectations of the role, then yes.
25 It's all implied and it's reiterated in sales

00133

1 meetings; it's reiterated in their business plan.

2 They're not going to make a business plan from

3 sitting in the branch, by making calls and not

4 visiting.

5 So it's all implied within what they need to

6 do on a day-to-day basis in following the training.

7 Q. Okay. What . . . so if I understand you

8 correctly, you have not seen any training or

9 participated in any conversation in which the -- the

10 phrase "outside sales" was specifically used to a

11 loan officer?

12 MS. BARRETT: Objection; misstates

13 testimony.

14 A. That if "outside sales" was used -- it may

15 have been. I've used it myself but . . . to say

16 that they had to be in the office or out of the

17 office a certain percentage of the time, no.

18 They're commissioned salespeople, so they

19 can work -- if they want to work until midnight,

20 they can work until midnight because they want to

21 take care of their kids during the day. Their

22 schedules -- they have that freedom.

23 They can schedule their time when they need

24 to meet with their clients. If it's a Saturday,

25 fine; if they're taking a day off during the week,

00134

1 that's fine. It's -- they are entrepreneurs and

2 we -- we emphasize all the time that they're

3 entrepreneurs. That is a common language.

4 BY MR. SCHWARTZ:

5 Q. And where -- where is the -- you said

6 that --

7 A. Nothing is written.

8 Q. Okay. You -- so you're not aware of any

9 written document that describes the loan officers

10 as, quote, entrepreneurs?

11 A. I might have listed it in memos to -- to a

12 few loan officers. It may be in their high-trust

13 selling training documents. I would have to refer

14 to their high-trust selling training.

15 But the high-trust selling training is all

16 about mortgage sales specific and being commissioned

17 employees and . . . getting out there and building

18 their book of business.

19 Q. You also said that you -- okay. Well,

20 first, as to those memos indicating that -- to loan

21 officers -- that you feel that they're

22 entrepreneurs, to whom did you send such a memo?

23 A. I . . . I don't know if that is privileged

24 because these people are not involved. I have to

25 confer. I don't know if that's privileged

00135

1 information because that might have been HR employee

2 confidentiality. I don't know.

3 Q. There's no such privilege --

4 THE WITNESS: Am I able to say?

5 BY MR. SCHWARTZ:

6 Q. -- in this context with an HR employee.

7 THE WITNESS: Am I able to give that

8 information? Sorry.

9 MS. BARRETT: Sure.

10 THE WITNESS: I just wanted to confirm

11 I was able to give this information.

12 MR. SCHWARTZ: Sure.

13 A. (Continuing.) A few individuals that come

14 to mind -- and it -- if it wasn't from myself, it

15 was from people on my staff.

16 One of them was with Frederic Chaussy.

17 Another was with Philip Wong, and another was with

18 who's called Baijnath Agiwal and -- B A I J N A T H --

19 I'm guessing at the first name -- Agiwal, A G I W A L.

20 Those are the most recent that come to mind.

21 And the other two, Frederic and Philip, only

22 because of this particular case. And, if it wasn't

23 myself, then it was a member of my staff, Willie

24 Daniel, who had those same conversations, including

25 the conversations during the discussion with the

00136

1 labor board of California, with Frederic.

2 BY MR. SCHWARTZ:

3 Q. And the . . . so you -- you were aware of

4 Mr. Chaussy -- when you say "Frederic," you're

5 speaking of Mr. Chaussy -- you were aware of his

6 labor board complaint before he was terminated?

7 A. Yeah.

8 Q. And the conversations -- so it's your

9 testimony that you had conversations with

10 Mr. Chaussy and Mr. Agiwal and Mr. Wong in which you

11 informed each of them that you felt that they were,

12 quote, entrepreneurs?

13 A. Again, if it wasn't myself, it was a member

14 of my staff, Willie Daniel, that would have had

15 those conversations, yes.

16 Q. And which --

17 A. That they would -- I'm sorry.

18 Q. Go ahead.

19 A. And what the expectations of the role were,

20 and the expectations of the role were they should be

21 out and about, they should be getting business, they

22 should not be sitting in the branch -- it goes

23 against -- and that's why they weren't being

24 successful.

25 Q. So it's your testimony that -- that they

00137

1 were -- but it's not your testimony they were told
2 that they should be spending more than 50 percent of
3 their time outside of the branch?

4 A. As I stated before, we don't say how much
5 percentage that they should be out; they should not
6 be tied to the branch.

7 Q. Okay.

8 A. The expectation is they don't have to be
9 there and shouldn't be there eight hours a day every
10 day. That is just one referral source.

11 Q. Do you know to what extent, if any, loan
12 officers are told that their primary responsibility
13 is to the branch?

14 A. I -- I couldn't comment to that. Sales
15 managers -- it depends upon the territory.

16 Q. And the . . . the term "outside sales," what
17 conversations did you use that term in with -- you
18 said you -- you've used that in conversations with
19 the loan officers.

20 A. It . . . just reclarifying that you're
21 outside salespeople. You're entrepreneurs, you're
22 commissioned a sales force, and again, hence,
23 that -- it's implied just by the term of
24 "commissioned sales force" and how they're paid.

25 What -- when and how I used it -- I use it

00138

1 as -- it's a common vernacular, so I can't identify
2 each and every time I've used it. I know that I've
3 used it.

4 Q. You know that you've used it, but you can't
5 identify -- can you identify one person that you
6 have -- one loan officer whom you have told that
7 they -- that he or she is an outside sales employee?

8 A. Again, not saying whether they said "outside
9 sales" -- whether I used those exact terms -- it's
10 that they're entrepreneurs, and that, itself,
11 implies that it is outside sales.

12 The job, the role, the expectations also say
13 "For external sources," so they know that they're
14 outside sales.

15 Q. Um --

16 A. That's the only way they'll be successful as
17 a commissioned salesperson, is not by sitting in a
18 branch, not by sitting in an office. They have to
19 go outside to get the sales.

20 So, again, the role itself implies that it's
21 outside sales.

22 Q. And you've testified repeatedly that -- that
23 it's implied or implicit in the position of loan
24 officer that they are outside sales and -- or that
25 it's common knowledge.

00139

1 What -- what's the basis of that statement?

2 Where -- where -- where is that established for the

3 loan officers that they would be aware of?

4 A. Within the job interviews, during the

5 screening, the training, everything that I've just

6 indicated.

7 Q. So it's your testimony that, in the job

8 interviews, in screening, and in training, that the

9 loan officers -- or prospective loan officers -- are

10 told that they're going to be outside salespeople?

11 A. Again, we don't just say "outside sales."

12 We say, "This is a commissioned sales position. You

13 know what you need to do, you know that we're

14 looking for people to be entrepreneurs, meaning

15 you're -- you're surrounding yourself with the

16 centers of influence --" another common term that we

17 use, whether it be Realtors, accountants "-- you're

18 out and about, doing what you need to do, and we

19 give you the freedom to do that."

20 We talk about scheduling; we talk about all

21 of that.

22 And, again, I'm speaking for my -- myself

23 specifically, and I've heard my staff also describe

24 the position. Whether the managers describe the

25 position -- they should be because that's also part

00140

1 of their training -- as this is a day in the life of
2 and it's giving an example of being a day in the
3 life of where they follow other loan officers
4 around, sometimes even before they are hired so they
5 can see a real job preview, if you will, of --
6 they're outside sales. They're not just stuck. So
7 they're out and about.

8 For us to say -- again, do we say "You're an
9 outside salesperson"? We don't just say that. It's
10 all within the context of the job and the role
11 itself.

12 Q. Okay. Apart from the implicit or context or
13 common knowledge, do you have any evidence at all
14 that would suggest that any loan officer was aware
15 that he or she was an outside salesperson?

16 A. I'd have to read to see if it's within the
17 plan itself or how much it's in the job description.
18 To say that there isn't any I can't say.

19 Q. What plan?

20 A. The incentive plan. I'm sorry.

21 Q. Well, you have an incentive plan in front of
22 you, Exhibit 3. (Indicating.)

23 Does it say anywhere --

24 A. But again, it also doesn't indicate as far
25 as some of the new language that I'd indicated

00108

1 skills, their experience in the industry, what they
2 can bring forward to us as -- as additional
3 guaranteed loans, but that is rare, and it's
4 considered an exception if it's beyond the six
5 months.

6 There would have to be a case-by-case
7 scenario on each one.

8 Q. The typical six-month nonrecoverable draw,
9 you said it's not a salary. What difference, if
10 any, is there between a salary and the
11 nonrecoverable draw?

12 MS. BARRETT: Objection; calls for a
13 legal analysis and conclusion.

14 MR. SCHWARTZ: Go ahead.

15 A. I -- I just don't -- they're not salaried
16 employees, which would possibly put them in a
17 different class. They're a commissioned employee,
18 so they would, in other words, receive commissions
19 on top of that draw while it's forgiven for the
20 first six months or whatever that time period is.

21 BY MR. SCHWARTZ:

22 Q. Okay. But they get a -- for -- typically
23 for the first six months, sometimes longer in
24 special cases, they get a base -- they get a base
25 pay -- if you want to call it a salary or

00147

1 facing-type roles, so that, in itself -- you know,
2 by FLSA, as far as what those jobs are -- excuse
3 me -- would identify it as a nonexempt position.

4 On sales, because it's a commissioned sales
5 and it being outside sales, predominantly for
6 external, client-favoring external. That's why --
7 one of the reasons that it's for an exempt position.

8 But, again, the exact methodology of what
9 finance is using I can't comment to.

10 Excuse me. Compensation, not finance.

11 Q. You said one of the reasons --

12 A. Excuse me.

13 Q. -- one of the reasons that the loan officers
14 are exempt is that you perceive that they are
15 outside sales employees.

16 Where . . . how were you informed that that
17 was the rationale for their classification?

18 MS. BARRETT: Object; misstates
19 testimony.

20 A. That is just based upon my own knowledge of
21 FLSA and my own assumption because it is an outside
22 sales position.

23 It's a commissioned position.

24 BY MR. SCHWARTZ:

25 Q. Is it your understanding that all employees

00148

1 who earn commissions are classified as exempt under
2 the FLSA?

3 A. I wouldn't say that -- all positions. That
4 may not be the case. I'm just describing what our
5 positions are for -- for the loan officers, same
6 positions that we have for the brokerage side.
7 They're also commissioned; they're also exempt, same
8 type of status and responsibilities.

9 Q. Are you aware of any other reason why you
10 believe the -- the loan officers are classified as
11 exempt employees?

12 A. No. I -- I just described to you what my
13 own assumption and knowledge was based on. Anything
14 else, you'd have to reach out to compensation.

15 Q. Have you read the compensation audit that
16 was described of 2006 related to the loan officers?

17 A. I'm sorry? Compensation audit? I don't
18 think I mentioned anything about a compensation
19 audit.

20 Do you mean the study?

21 Q. Study. Thank you.

22 A. Yeah. No. As far as the study, not in the
23 greatest detail, only into the positions that we
24 have and how their market and -- that the
25 classification remains the same.

00165

1 BY MR. SCHWARTZ:

2 Q. Okay. So I have an example here of an
3 employee handbook -- and I understand that this is
4 outdated because it's now online -- it's a binder.

5 (Indicating.)

6 A. Right. Right.

7 Q. And this actually was provided to me by one
8 of our clients, not by the company.

9 But the . . . it's your -- the -- the
10 current iteration of the performance management
11 process that's available on the intranet specifies
12 this -- these different levels of progressive
13 discipline for, say, ordinary offenses or for
14 nonperformance?

15 A. Right. That these steps may or may not be
16 taken, based upon what the infraction is.

17 Q. Okay. Well, assuming it's not
18 defalcation --

19 A. Yeah. Do you like that word?

20 Q. -- or some sort of felony generally but it
21 just has to do with low sales or something of that
22 nature, this -- every manager at -- in -- at HSBC
23 North America -- because I understand this is one of
24 those policy issues --

25 A. Yes.

00166

1 Q. -- would follow the same performance

2 management process?

3 A. They should be, yes.

4 Q. Okay. And that process requires ongoing

5 coaching or mentoring, first of all; right?

6 A. It -- it's recommended for the ongoing

7 coaching and mentoring, yes. That should be at

8 least a monthly review -- it's also in their

9 business plan, a monthly review with the manager.

10 Q. And -- and then the -- the first step of

11 progressive discipline would be a -- a verbal

12 warning?

13 A. Right.

14 Q. Followed by a -- either a first written

15 warning or a final written warning; right?

16 A. Right, either one.

17 Q. And then how long after that written

18 warning -- again, assuming this has to do with

19 inadequate sales or kind of a run-of-the-mill

20 performance issue -- how long before the

21 termination -- the employee could be terminated?

22 A. It would depend upon that individual's

23 performance and what is a reasonable amount of time

24 for us to see has there been any improvement.

25 Typically speaking, we're looking for the

00167

1 30 days; however, if it's within the first 2 weeks,
2 2 1/2 weeks that there isn't one application, they
3 haven't done anything further on the call
4 monitoring, they're not doing any of the things they
5 need to do to improve, it can be sooner.

6 But, typically, we would want to see a
7 reasonable amount of time, and that's typically
8 30 days, you know. We want to see at least that.
9 But it's dependent upon the individual and their own
10 performance.

11 Q. And is that 30-day norm set forth in your
12 online -- in your performance management process?

13 A. We don't specify time frames. We specify
14 reasonable amounts of time to pass in order for you
15 to reasonably assess that individual's performance
16 for their improvement or that it hasn't improved
17 and -- in order to take the necessary steps.

18 You have managers that may give longer than
19 that. It all depends upon, you know, the
20 performance of the person.

21 Are they truly trying to do the right things
22 and you can see that they're trying to do the right
23 things? That makes a difference. If someone has
24 shut down and isn't doing anything -- not reporting,
25 not responding or whatever the case might be -- it

00168

1 could be sooner than that, so it's really a
2 case-by-case scenario.

3 But in answer to your question, it doesn't
4 specify an exact time frame.

5 Q. But you train managers that the norm of a
6 reasonable time would be about 30 days?

7 MS. BARRETT: Objection; assumes facts
8 not in evidence.

9 MR. SCHWARTZ: Go ahead.

10 A. We recommend to our managers what is
11 reasonable. Thirty days is normally reasonable, and
12 we explain the same thing -- just as I said to
13 you -- "But if you don't see any performance, please
14 contact us." If we have to take that time -- we
15 have to up that time frame, it has to be sooner.

16 BY MR. SCHWARTZ:

17 Q. Okay. And . . . as a manager goes through a
18 progressive discipline policy, through this
19 progressive discipline policy or this -- I guess
20 you're calling it performance management process --
21 are they required to interact with HR, with your
22 team for the mortgage division folks -- are they
23 required to interact with you about meeting each of
24 these steps?

25 A. Not about meeting each of these steps.

00195

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3

4 I, Melanie L. Humphrey-Sonntag,
5 Certified Shorthand Reporter No. 084-004299, CSR,
6 RDR, CRR, FAPR, and a Notary Public in and for the
7 County of DuPage, State of Illinois, do hereby
8 certify that previous to the commencement of the
9 examination, said witness was duly sworn by me to
10 testify the truth; that the said deposition was
11 taken at the time and place aforesaid; that the
12 testimony given by said witness was reduced to
13 writing by means of shorthand and thereafter
14 transcribed into typewritten form; and that the
15 foregoing is a true, correct, and complete
16 transcript of my shorthand notes so taken as
17 aforesaid.

18 I further certify that there were present at
19 the taking of the said deposition the persons and
20 parties as indicated on the appearance page made a
21 part of this deposition.

22 I further certify that I am not counsel for
23 nor in any way related to any of the parties to this
24 suit, nor am I in any way interested in the outcome
25 thereof.

00196

1 IN TESTIMONY WHEREOF I have hereunto set my
2 hand and affixed my Notarial Seal this 28th day of
3 December, A.D. 2007.

4

5

6 Certified Shorthand Reporter
7 Registered Diplomat Reporter
8 Certified Realtime Reporter
Fellow of the Academy of
Professional Reporters

9

10 My commission expires
February 17, 2010

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